THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.13057 of 2006

Date: 29.06.2006

Between:

Muppala Venkata Krishna & others.

... PETITIONERS

AND

The District Collector,
Machilipatnam, Krishna District
& another.

... RESPONDENTS

ORDER:-

Heard the learned counsel.

2. The writ petition is filed for issuance of writ of Mandamus, or any other appropriate writ, order or direction, declaring the notification issued by the 1st respondent in Ref.Rc.No.G4/2491/2006 dated 28.05.2006 thereby dispensing with 5-A enquiry under the Land Acquisition Act hereinafter in short referred to as Act for the purpose of convenience by invoking Section 17(4) of the Act 1 of 1894 as arbitrary, illegal and violative of Articles 19(1)(G) and 300-A of the Constitution of India and consequently set aside the notification and pass such suitable orders.

3. It is stated that the petitioners are the owners of the subject matter of lands specified in the writ petition and the 1st respondent issued a Notification dated 28.05.2006. It is also stated that the 1st respondent invoked urgency clause dispensing with the enquiry under Section 5-A of the Act. Several factual details had been narrated in paras 2 to 5 of the affidavit explaining how dispensing with the enquiry under Section 5-A of the Act aforesaid would cause prejudice to the petitioners.

4. In view of the same, the writ petition is disposed of directing the respondents to conduct enquiry under Section 5-A of the Act in

relation to the subject matter of the writ petition and pass appropriate orders and till then not to dispossess the petitioners. No order as to costs.

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P.S. NARAYANA, J

Date: 29.06.2006

Note:- Issue CC in two days.

(B/o)

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